

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

2 APRIL 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Kelly Prewett, employee in the Library Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at 3608 Link Road—8.481 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located on the south side of Link Road east of McKnight Mill Road (3608 Link Road); an ordinance annexing territory to the corporate limits—located on the south side of Link Road—18.052 acres; and an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located on the south side of Link Road east of McKnight Mill Road.

Using a map and slides to illustrate these properties and the surrounding areas, C. Thomas Martin, Planning Department Director, provided historical information about the area and spoke to the process involved with utility agreements and annexation petitions. Mr. Martin stated these items had received favorable recommendation by the Planning Board, Zoning Commission and Planning Department staff.

Mayor Holliday asked if anyone wished to speak to these items.

Garry Johnson, residing in King, NC, spoke in favor of the annexations and original zonings and advised he was available to answer Council's questions.

Advising she had signed the annexation petition, Helen Patillo, residing at 3608 Link Road, expressed opposition to the annexation and zoning items, stated this annexation would cause a hardship on her family, and requested that Council delay the annexation of her property.

Dorothy Smith, residing at 2125 Huffine Mill Road, McLeansville, NC and owner of property in unincorporated Guilford County, questioned the City's policy that would allow the annexation of these properties but would not permit the extension of Greensboro water and sewer to enable the development of housing on her property. Mr. Martin stated that if Ms. Smith would provide contact information, a member of City staff would

contact her to discuss this matter. Mr. Martin spoke briefly to improvements to be made by the developer to provide services to the property proposed for rezoning.

Members of Council briefly discussed with Mr. Martin the proposed RS-12 original zoning classification recommended for this property, the desire of some members of Council to have diversity in development for this and other specific areas of the City, and the fact that the implementation of any particular zoning classification would not guarantee upper scale development in any part of the City. Mr. Martin responded to specific Council inquiries and explained the rare circumstances under which staff recommended RS-20 zoning; i.e., to protect the watershed, etc. Discussion was also held with regard to the process involved with utility agreements and annexation petitions, the fact that agricultural zoning classification would not be suitable for an area served by water and sewer, the impact the annexations/original zonings would have on active farms in this area, the staff's professional opinion with regard to appropriate uses for properties located at the edge of the City, etc.

After further discussion, Councilmember Burroughs-White moved to close the public hearing for items #5-8. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendations:

Item 6 and Item 8 – Link Road

The Planning Department recommends that these two original proposals be approved.

The property to the east on the north and south sides of Link Road was annexed on November 30, 2001.

City Council established the original zoning of RS-12 for that property.

As staff has pointed out in the past, Agricultural is not a recommended urban zoning classification, especially for lots that will be served by public water and sewer.

RS-12 is the typical original zoning classification that is and has been recommended and applied to single-family development that will be served by public water and sewer.

There is a 20-inch water line along Link Road and the same sewage lift station to be installed to serve the previously annexed property will also serve these properties.

At its February 20, 2002 meeting, the Greensboro Planning Board recommended the annexation of these tracts.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limit—located at 3608 Link Road—8.481 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-60 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3608 LINK ROAD – 8.481 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of Lot 5 of Annie Wallington Hayes Estate, as recorded at Plat Book 99, Page 17 in the Office of the Register of Deeds of Guilford County; thence S 06° 50' E 1,146.97 feet along the east line of said Lot 5 to a point; thence S 38° 05' W 28.93 feet along the southeast line of said lot to the southernmost corner of said lot; thence N 74° 41' W 635.92 feet along the south line of said Lot 5 to the southwest corner of said lot; thence N 57° 08' E 281.26 feet along the west line of said lot to a point; thence N 12° 08' E 208.14 feet along the west line of said lot to a point; thence N 03° 16' W 145.00 feet along the west line of said lot to a point; thence N 14° 16' W 188.00 feet along the west line of said lot to a point; thence N 02° 06' W 236.50 feet

along the west line of said lot to the northwest corner of said Lot 5; thence N 75° 02' E 287.91 feet along the southern right-of-way line of Link Road to the point and place of BEGINNING, and containing approximately 8.481 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2002, the liability for municipal taxes for the 2001-02 fiscal year shall and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2002.

(Signed) Claudette Burroughs-White

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located on the south side of Link Road east of McKnight Mill Road (3608 Link Road). The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 01-62 AMENDING OFFICIAL ZONING MAP

#### SOUTH SIDE OF LINK ROAD EAST OF McKNIGHT MILL ROAD (3608 LINK ROAD)

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at the northeast corner of Lot 5 of Annie Wallington Hayes Estate, as recorded at Plat Book 99, Page 17 in the Office of the Register of Deeds of Guilford County; thence S 06° 50' E 1,146.97 feet along the east line of said Lot 5 to a point; thence S 38° 05' W 28.93 feet along the southeast line of said lot to the southernmost corner of said lot; thence N 74° 41' W 635.92 feet along the south line of said Lot 5 to the southwest corner of said lot; thence N 57° 08' E 281.26 feet along the west line of said lot to a point; thence N 12° 08' E 208.14 feet along the west line of said lot to a point; thence N 03° 16' W 145.00 feet along the west line of said lot to a point; thence N 14° 16' W 188.00 feet along the west line of said lot to a point; thence N 02° 06' W 236.50 feet along the west line of said lot to the northwest corner of said Lot 5; thence N 75° 02' E 287.91 feet along the southern right-of-way line of Link Road to the point and place of BEGINNING, and containing approximately 8.481 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits—located on the south side of Link Road—18.052 acres. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-62 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE SOUTH SIDE OF LINK ROAD – 18.052 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limit line (as of February 28, 2002), said point being the southeast corner of Malphus L. and Ruby A. Barber, as recorded at Deed Book 4963, Page 975 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 88° 44' 06" W 519.73 feet along Barber's south line to Barber's southwest corner; thence N 00° 45' 00" E 114.47 feet along Barber's west line to a point; thence N 05° 12' 16" E 130.89 feet along said line to a point; thence N 05° 27' 23" E 45.46 feet along said west line to a point; thence N 17° 45' 00" E 163.21 feet along said line to a point; thence N 38° 05' 00" E 228.99 feet along said line to the southwest corner of Lot 6 of Annie Wallington Hayes Estate, as recorded at Plat Book 99, Page 17 in the Office of the Register of Deeds; thence N 06° 49' 28" W 1,146.93 feet along the west line of said Lot 6 to the northwest corner of said lot; thence N 75° 02' 33" E 319.65 feet along the southern right-of-way line of Link Road to the northeast corner of said Lot 6, said corner being in the existing satellite city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 16° 49' 00" E 810.28 feet to a point; thence S 05° 04' 05" W 1,214.64 feet to the point and place of BEGINNING, and containing approximately 18.052 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2002, the liability for municipal taxes for the 2001-02 fiscal year shall and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2002.

(Signed) Claudette Burroughs-White

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Councilmember Vaughan moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located on the south side of Link Road east of McKnight Mill Road. The motion was seconded by Councilmember Phillips; the ordinance

was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-63 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF LINK ROAD EAST OF McKNIGHT MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro satellite city limit line (as of February 28, 2002), said point being the southeast corner of Malphus L. and Ruby A. Barber, as recorded at Deed Book 4963, Page 975 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 88° 44' 06" W 519.73 feet along Barber's south line to Barber's southwest corner; thence N 00° 45' 00" E 114.47 feet along Barber's west line to a point; thence N 05° 12' 16" E 130.89 feet along said line to a point; thence N 05° 27' 23" E 45.46 feet along said west line to a point; thence N 17° 45' 00" E 163.21 feet along said line to a point; thence N 38° 05' 00" E 228.99 feet along said line to the southwest corner of Lot 6 of Annie Wallington Hayes Estate, as recorded at Plat Book 99, Page 17 in the Office of the Register of Deeds; thence N 06° 49' 28" W 1,146.93 feet along the west line of said Lot 6 to the northwest corner of said lot; thence N 75° 02' 33" E 319.65 feet along the southern right-of-way line of Link Road to the northeast corner of said Lot 6, said corner being in the existing satellite city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 16° 49' 00" E 810.28 feet to a point; thence S 05° 04' 05" W 1,214.64 feet to the point and place of BEGINNING, and containing approximately 18.052 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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Mayor Holliday stated that this was the time and place set for a public hearing to consider Item #9 an ordinance annexing territory to the corporate limits—located at the southeast corner of Wolfetrail Road and Blackberry Road—52.95 acres. He thereupon introduced so these matters could be discussed together: Item #10, an ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Wolfetrail Road between Blackberry Road and Pleasant Valley Road; Item #14, an ordinance annexing territory to the corporate limits—located on Blackberry Road—20.769 acres; and Item #15, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located on the east and west sides of Blackberry Road south of Wolfetrail Road (4344 Blackberry Road.)

Mr. Martin provided a map, water and sewer boundary map, and slides to illustrate the properties and the surrounding area; he detailed the Planning Board and Zoning Commission recommendations for these items.

Mayor Holliday asked if anyone wished to be heard.

Charlie Melvin, with offices at 300 North Greene Street, spoke in favor of the annexation and original zoning of the property at the southeast corner of Wolfetrail and Blackberry Roads and spoke to efforts to have discussions with the neighborhood residents.

Mr. Melvin stated that this property was in the service area recommended by the City Manager, that water and sewer services were in place for this development, that the request was consistent with prior precedent established by Council for annexation and that the items had been recommended by the Planning Board, Zoning Commission and City staff; he added that he believed it was important that Council demonstrate a stable, predictable

process by annexing this property. Mr. Melvin further stated he believed this area would be favorably impacted by the southern loop that should be in place before this development was completed; he also noted a traffic impact study had determined that traffic generated by this development would not have a significant impact on area roadways and intersections and that the developer could meet watershed requirements. In response to earlier Council comments with regard to concerns about working farms, Mr. Melvin stated that no boundaries of this development touched an active farm and that in his experience, he had found that the transition from farmland to development was usually the result of families or heirs wishing to sell the property, not a direct transition from an active farm to development. Mr. Melvin stated that he believed lower density would not improve the development but would increase the housing cost.

Wanda Beason, residing at 4323 Blackberry Road and owner of this property, spoke in favor of the annexation and zoning. Stating that she could not afford to keep this farmland, Ms. Beason spoke to her rights as a property owner, provided a brief history of the property, stated she believed this was the best use of this property, and asked Council to approve the request.

Charles A. Routh, residing at 1029 Nesbet Road, Pleasant Garden, NC, and executor of the estate, spoke in favor of the annexation and zoning. He offered his thoughts about the rights of property owners and stated the proposed development would provide affordable housing and enhance this area.

Charles Lindsay McAlpine, residing at 503 Isle of Pines Road, Mooresville, NC, and owner of McAlpine Companies, detailed the company's development plans, stated water and sewer services were in place for the development, and noted the RS-12 zoning would allow the company to cluster lots and provide a more significant amount of open space.

The following individuals spoke in opposition to the annexation and zoning:

Kimberly Venable, residing at 4703 Rehobeth Church Road, used a map to illustrate the area and stated that she believed the proposed dense development was not appropriate at this time and would have a negative impact on working farms, Greensboro's water supply, area traffic, quality of life of residents, and schools; she stated she also believed the mixed city and county jurisdictions in this area would create problems. Ms. Venable spoke to the creation by citizens of the Southern Guilford Area Growth Plan and its recommendations for growth in the area; she noted a petition had been signed by area residents in opposition to the annexation and stated she believed the loop provided an appropriate boundary for City development in the area. Ms. Venable stated this request and citizens' concerns were similar to a Sedgefield zoning issue that had been denied by Council.

At the request of Larry Proctor, residing at 4957 Friendly Farms Road, a large number of citizens stood in opposition to the proposed annexation and original zoning. Mr. Proctor spoke to operating farms in the area, noted the residents' desire for the area to remain rural, expressed opposition to what he believed was high density development on this property and supported the idea that the loop would be an appropriate boundary for City development. Mr. Proctor detailed the three-year process to create the Southern Guilford Area Growth Plan that they believed would provide a plan for orderly and low-density development in the area. In response to Council inquiries, Mr. Proctor stated the Guilford County Commissioners had not adopted the plan.

Tanny Wright, residing at 4406 Tyndale Court, stated she believed this development would have a negative impact on areas schools and expressed concern that area residents would be required to pay increased taxes.

Glenn Younts, residing at 4308 Blackberry Road, stated that he believed the proposed zoning, with no conditions, was not in harmony with the neighborhood.

Phyllis Wallace, residing on Blackberry Road, detailed development on properties adjacent to her residence and expressed concern that this development would have a negative impact on area traffic.

Christopher R. Lowry, residing at 533 Foxridge Road, questioned the impact of the Foxcroft neighborhood on the ability to develop this property and offered his thoughts about the proposed development.

Councilmember Vaughan moved to close the public hearing on Items 9, 10, 14 and 15. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Martin used a map to illustrate the location of these properties, noted the existence of a wide range of density mixture and zoning patterns, explained the difference between this request and the higher density request for the Sedgefield area, and advised the Guilford County Commissioners had not officially voted on this request. Mr. Martin provided the following staff recommendations:

#### Item 10 – Wolfetrail Road/Blackberry Road

The Planning Department recommends that this original zoning proposal be approved.

At its February 20, 2002 meeting, the Greensboro Planning Board recommended in favor of the annexation of this tract, as well as Items 11 and 14.

A 24-inch water line ends in Wolfetrail Road about 350 east of this property and it would be the developer's responsibility to extend it.

There is also an 8-inch water line stubbed to the end of Brushy Fork Drive.

The sewage lift station and outfall line installed southeast of this tract to serve Foxcroft Subdivision can be enlarged and extended to serve this property and these upgrades would be the developer's responsibility.

A Transportation Impact Study has been submitted which shows that the proposed development will not have a significant impact on the surrounding roadways and will not significantly increase traffic at area intersections.

Foxcroft Subdivision to the east and adjacent to this tract is presently zoned RS-12.

RS-12 is the typical original zoning classification that is and has been recommended and applied to single family development that will be served by public water and sewer.

Agricultural is not an urban zoning classification, especially for lots on public water and sewer.

Furthermore, large minimum lot sizes such as RS-40 and RS-30 are intended for developments without access to public water and sewer services.

#### Item 15 – Blackberry Road

The Planning Department recommends that this original zoning proposal be approved.

A utility agreement and annexation petition covers property on both sides of Blackberry Road.

Water service would become available when the developer extends a water line down Blackberry Road in conjunction with the previous item.

Love and Faith Christian Fellowship is connected to City sewer and the sewer line runs along the side of the vacant, east-side property.

RS-12 is a natural original zoning classification since churches are permitted uses in this district, since this abuts the property in the previous request, and because water and sewer services are or will be available to this property.

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The Mayor declared a recess at 8:00 p.m.

The meeting re-convened at 8:15 p.m. with all members of Council present.

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Council discussed various opinions and concerns with staff; i.e., the different circumstances under which services were provided to the Foxcroft development; the fact that portions of the Foxcroft neighborhood could be annexed because of existing utility agreements and annexation petitions while other portions of the area did not meet state requirements for annexation; the manner in which law enforcement and other municipal services would be provided to the incorporated and unincorporated portions of this neighborhood; the impact development would have on working farms in the area; the existing City policy approved by Council with regard to utility agreements and annexation petitions; the desire for mixed zoning uses for the area; the need for Council to be consistent with regard to annexation of properties to the City, etc.

In response to inquiries as to why Greensboro would annex property during the budget crisis and current water situation, the Manager advised this involved a small area close to the City limits which was consistent with other Council action taken in the last year; he advised the service impact would be negligible. The Manager stated that if Council wished to take a position that would take Greensboro's current financial situation into account as rationale for changing the current annexation policy, it would be appropriate for Council to adopt a policy to provide City staff with other criteria to follow to annex properties. City Manager Kitchen reiterated that the water and sewer boundary had been established and emphasized this was an area in which the City was willing to extend water and sewer service. He explained the utility agreement and annexation petition process, stated that this process had been used by Council to annex other properties and recommended that Council continue to be consistent and follow their established policy.

After additional discussion, Councilmember Vaughan moved adoption of the ordinance annexing territory to the corporate limits—located at the southeast corner of Wolfetrail Road and Blackberry Road—52.95 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Perkins, Phillips and Vaughan. Noes: Holliday, Jessup and Johnson.

02-64 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT THE SOUTHEAST CORNER OF WOLFETRAIL ROAD AND BLACKBERRY ROAD – 52.95 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the southwest corner of Foxcroft, Phase 1, Map 2, as recorded at Plat Book 115, Page 67 in the Office of the Register of Deeds of Guilford County, said corner also being the southeast corner of now or formerly Beason, as recorded in Deed Book 1048, Page 431 in the Office of the Register of Deeds; thence N 85° 47' 02" W 872.00 feet along Beason's south line to the eastern right-of-way line of the 60-foot Blackberry Road right-of-way; thence the following five courses and distances along said eastern right-of-way line: N 03° 45' 10" W 115.51 feet to a point, N 00° 59' 58" E 103.09 feet to a point, N 03° 32' 58" E 201.07 feet to a point, N 04° 55' 58" E 202.39 feet to a point, N 02° 37' 58" E 1,420.81 feet to the south line of now or formerly Ammons, as recorded in Deed Book 5046, Page 1397 in the Office of the Register of Deeds; thence S 87° 31' 02" E 199.94 feet along the south line of Ammons to the southeast corner of Ammons; thence N 03° 32' 58" E 75.01 feet along the east line of Ammons to the northeast corner of Ammons; thence N 87° 31' 02" W 199.61 feet along the north line of Ammons to a point in said eastern right-of-way line; thence N 01° 37' 58" E 114.53 feet along said eastern right-of-way line to its intersection with the southern right-of-way line of the 60-foot Wolfetrail Road right-of-way; thence the following six courses and distances along said southern right-of-way line: N 70° 28' 58" E 86.07 feet to a point, S 79° 59' 02" E 140.25 feet to a point, S 80° 51' 02" E 100.48 feet to a point, S 81° 49' 02" E 100.51 feet to a point, S 82° 48' 07" E 199.19 feet to a point, S 83° 15' 02" E 344.04 feet to a point; thence S 04° 47' 58" W 492.90 feet along the west line of now or formerly Brannon, as recorded in Deed Book 4855, Page 64 in the Office of the Register of Deeds, to Brannon's southwest corner; thence S 85° 12' 13" E 180.49 feet along Brannon's south line to a point in the west line of now or formerly Rollins, as recorded in Deed Book 4855, Page 62 in the Office of the Register of Deeds; thence S 04° 21' 18" W 9.98 feet to the southwest corner of Rollins; thence S 86° 00' 00" E 180.07 feet along the south line of Rollins to the southeast corner of Rollins, being an existing iron pipe on the west



line of Foxcroft, Phase1, Map 1, as recorded at Plat Book 115, Page 66 in the Office of the Register of Deeds; thence S 04° 00' 00" W 719.86 feet along said west line to an existing iron pipe on the north line of Foxcroft, Phase2, as recorded at Plat Book 116, Page 55 in the Office of the Register of Deeds; thence N 85° 30' 35" W 370.60 feet along said north line to an existing iron pipe; thence S 04° 47' 58" W 993.23 feet along the west line of said Phase 2 to the point and place of BEGINNING, and containing approximately 52.95 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2002, the liability for municipal taxes for the 2001-02 fiscal year shall and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2002.

(Signed) Donald R. Vaughan

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Councilmember Phillips moved adoption of an ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Wolfetrail Road between Blackberry Road and Pleasant Valley Road. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Perkins, Phillips and Vaughan. Noes: Holliday, Jessup and Johnson.

## 02-65 AMENDING OFFICIAL ZONING MAP

### SOUTH SIDE OF WOLFETRAIL ROAD BETWEEN BLACKBERRY ROAD AND PLEASANT VALLEY ROAD

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at the southwest corner of Foxcroft, Phase 1, Map 2, as recorded at Plat Book 115, Page 67 in the Office of the Register of Deeds of Guilford County, said corner also being the southeast corner of now or formerly Beason, as recorded in Deed Book 1048, Page 431 in the Office of the Register of Deeds; thence N 85° 47' 02" W 872.00 feet along Beason's south line to the eastern right-of-way line of the 60-foot Blackberry Road right-of-way; thence the following five courses and distances along said eastern right-of-way line: N 03° 45' 10" W 115.51 feet to a point, N 00° 59' 58" E 103.09 feet to a point, N 03° 32' 58" E 201.07 feet to a point, N 04° 55' 58" E 202.39 feet to a point, N 02° 37' 58" E 1,420.81 feet to the south line of now or formerly Ammons, as recorded in Deed Book 5046, Page 1397 in the Office of the Register of Deeds; thence S 87° 31' 02" E 199.94 feet along the south line of Ammons to the southeast corner of Ammons; thence N 03° 32' 58" E 75.01 feet along the east line of

Ammons to the northeast corner of Ammons; thence N 87° 31' 02" W 199.61 feet along the north line of Ammons to a point in said eastern right-of-way line; thence N 01° 37' 58" E 114.53 feet along said eastern right-of-way line to its intersection with the southern right-of-way line of the 60-foot Wolfetrail Road right-of-way; thence the following six courses and distances along said southern right-of-way line: N 70° 28' 58" E 86.07 feet to a point, S 79° 59' 02" E 140.25 feet to a point, S 80° 51' 02" E 100.48 feet to a point, S 81° 49' 02" E 100.51 feet to a point, S 82° 48' 07" E 199.19 feet to a point, S 83° 15' 02" E 344.04 feet to a point; thence S 04° 47' 58" W 492.90 feet along the west line of now or formerly Brannon, as recorded in Deed Book 4855, Page 64 in the Office of the Register of Deeds, to Brannon's southwest corner; thence S 85° 12' 13" E 180.49 feet along Brannon's south line to a point in the west line of now or formerly Rollins, as recorded in Deed Book 4855, Page 62 in the Office of the Register of Deeds; thence S 04° 21' 18" W 9.98 feet to the southwest corner of Rollins; thence S 86° 00' 00" E 180.07 feet along the south line of Rollins to the southeast corner of Rollins, being an existing iron pipe on the west line of Foxcroft, Phase1, Map 1, as recorded at Plat Book 115, Page 66 in the Office of the Register of Deeds; thence S 04° 00' 00" W 719.86 feet along said west line to an existing iron pipe on the north line of Foxcroft, Phase2, as recorded at Plat Book 116, Page 55 in the Office of the Register of Deeds; thence N 85° 30' 35" W 370.60 feet along said north line to an existing iron pipe; thence S 04° 47' 58" W 993.23 feet along the west line of said Phase 2 to the point and place of BEGINNING, and containing approximately 52.95 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Gatten moved adoption of the ordinance annexing territory to the corporate limits—located on Blackberry Road—20.769 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Johnson, Perkins, Phillips and Vaughan. Noes: Holliday and Jessup.

**02-66 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON BLACKBERRY ROAD – 20.769 ACRES)**

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the southwest corner of Foxcroft, Phase 1, Map 2, as recorded at Plat Book 115, Page 67 in the Office of the Register of Deeds of Guilford County, said corner also being the southeast corner of Eunice L. Beason; thence S 85° 47' 28" E 325.27 feet along the north line of Lot 1 of Love and Faith Christian Fellowship Church, as recorded at Plat Book 132, Page 51 in the Office of the Register of Deeds; thence S 13° 07' 08" W 432.69 feet along the east line of said Lot 1 to the southeast corner of said Lot 1; thence N 88° 00' 30" W 177.43 feet along the south line of said Lot 1 to a point; thence N 88° 04' 51" W 276.77 feet along the south line of said Lot 1 to a point; thence N 88° 07' 31" W 620.02 feet along the south line of said Lot 1 to a point near the center of Blackberry Road; thence N 88° 01' 02" W 825.30 feet along the south line of Lot 2 of Love and Faith Christian Fellowship Church to the southwest corner of said Lot 2; thence N 00° 45' 50" E 503.25 feet along the west line of said Lot 2 to the northwest corner of said Lot 2; thence S 85° 47' 53" E 798.31 feet along the north line of said Lot 2 to a point near the center of Blackberry Road; thence S 85° 48' 29" E 901.82 feet along the north line of said Lot 1 to the point and place of BEGINNING, and containing approximately 20.769 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2002, the liability for municipal taxes for the 2001-02 fiscal year shall and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2002.

(Signed) Florence F. Gatten

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Councilmember Phillips moved adoption of an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located on the east and west sides of Blackberry Road south of Wolfetrail Road (4344 Blackberry Road). The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Perkins, Phillips and Vaughan. Noes: Holliday, Jessup and Johnson.

#### 02-67 AMENDING OFFICIAL ZONING MAP

EAST AND WEST SIDES OF BLACKBERRY ROAD SOUTH OF WOLFETRAIL ROAD (4344 BLACKBERRY ROAD)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at the southwest corner of Foxcroft, Phase 1, Map 2, as recorded at Plat Book 115, Page 67 in the Office of the Register of Deeds of Guilford County, said corner also being the southeast corner of Eunice L. Beason; thence S 85° 47' 28" E 325.27 feet along the north line of Lot 1 of Love and Faith Christian Fellowship Church, as recorded at Plat Book 132, Page 51 in the Office of the Register of Deeds; thence S 13° 07' 08" W 432.69 feet along the east line of said Lot 1 to the southeast corner of said Lot 1; thence N 88° 00' 30" W 177.43 feet along the south line of said Lot 1 to a point; thence N 88° 04' 51" W 276.77 feet along the south line of said Lot 1 to a point; thence N 88° 07' 31" W 620.02 feet along the south line of said Lot 1 to a point near the center of Blackberry Road; thence N 88° 01' 02" W 825.30 feet along the south line of Lot 2 of Love and Faith Christian Fellowship Church to the southwest corner of said Lot 2; thence N 00° 45' 50" E 503.25 feet along the west line of said Lot 2 to the northwest corner of said Lot 2; thence S 85° 47' 53" E 798.31 feet along the north line of said Lot 2 to a point near the center of Blackberry Road; thence S 85° 48' 29" E 901.82 feet along the north line of said Lot 1 to the point and place of BEGINNING, and containing approximately 20.769 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located in the Foxcroft Subdivision, Phases 3, 7 and 8 and four lots and Common Area in Phase 6, on Randleman Road, Foxridge Road, Meadowcroft Road, Quail Cove Court, Fox Trot Road and Brushy Fork Drive—26.240 acres. He thereupon introduced so these matters could be discussed together,

an ordinance establishing original zoning classification from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the east and west sides of Meadowcroft Road, north and south sides of Fox Ridge Road, east and west sides of Fox Trot Road, and east and west sides of Brushy Fork Drive; and an ordinance establishing original zoning classification from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located north of Quail Cove Court west of Meadowcroft Road.

Mr. Martin used a map and slides to illustrate these properties and the surrounding area; he stated that staff recommended in favor of these items. Mr. Martin noted that this action would annex the portion of the subdivision for which the City had a utility agreement and petition for annexation. In response to Council inquiries, he detailed the State annexation rules and stated that the remainder of the development did not qualify for annexation. In response to Council inquiries, he stated that emergency responses would not be negatively impacted.

Mayor Holliday asked if anyone wished to be heard.

The following individuals spoke in opposition to these items:

Stating he believed this annexation would divide the neighborhood, Chris Lowry, residing at 533 Foxridge Road, suggested Council wait until the entire neighborhood could be annexed together. Mr. Lowry expressed concern that the annexation would increase taxes and other expenses for residents, stated the affected residents opposed annexation into the City, stated current residents were unaware that utility agreements and annexation petitions were in place, and spoke to a petition from area residents in opposition.

Terry Robinson, residing at 4407 Tyndale Court in the Foxcroft development, requested council to consider annexing the entire neighborhood at the same time.

Arthur Fullerwinder, residing at 4411 Bear Ridge Court in the Foxcroft Subdivision, stated he believed this annexation would impact the quality of life for residents and that responses to emergency situations would be confusing.

Roslyn Dixon, residing on Meadowcroft Road in the Foxcroft Subdivision, stated this annexation would have a negative impact on residents' quality of life and would increase taxes and other fees for service. She stated she was unaware that the developer had signed the petition for annexation.

David Pettiford, residing at 4404 Meadowcroft Road, expressed concern with the annexation of a portion of the Foxcroft subdivision and the confusion he believed this would cause for law enforcement services. A large number of citizens were present in the Chamber to oppose the annexation and zonings.

Virginia Cramer, residing at 4605 Meadowcroft Road, stated she was unaware of the utility agreement and annexation petition, questioned the timing of the annexation and requested the Council to wait until the entire neighborhood could be annexed together.

Wanda Johnson, residing at 4606 Meadowcroft Road, expressed concern with the annexation and stated she believed the additional costs would impact the quality of life for her family.

Sheldon (last name unknown), residing on Foxwood Road, expressed his opinion of the limited amount of time allowed for discussion, questioned the timing of this annexation, and requested Council to change the annexation policy.

Tonya Cole, residing on Meadowcroft Road, stated she was unaware of the utility agreement and annexation petition, questioned the timing of the annexation, and expressed concern that her taxes would increase; she stated that she believed this development would have a negative impact on area schools.

Councilmember Johnson moved to close the public hearing on items #11, 12 and 13. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Stating that these ordinances were consistent with Council's policy, Mr. Martin provided the following staff recommendations:

Items 12 & 13 – Foxridge Road, Brushy Fork Drive, Meadowcroft Road

The Planning Department recommends that these original zoning proposals be approved.

This involves Foxcroft Subdivision, Phases 3, 7, and 8 and four lots and Common Area in Phase 6.

The zoning is currently RS-12.

In 1997 when City Council adopted the policy of requiring submission of utility agreement and annexation petitions in order to obtain City water and/or sewer service, Foxcroft was already underway.

Thus, only the latter sections of the subdivision are covered by utility agreement and annexation petition.

When that policy was adopted by Council, it was understood that processing annexation petitions covering only the latter sections of certain subdivisions would be the inevitable result, with the earlier sections of those subdivisions to be annexed later by City initiative.

All 83 houses within the areas proposed for original zoning are on City water and sewer and this proposal simply carries forth the current RS-12 zoning that currently exists.

Council and staff discussed the history and purpose of the utility agreement and annexation petition policy. Lengthy discussion was held with regard to the following: that the overall strategy of the annexation petition was to protect Greensboro citizens; that this policy was used on the east side of Greensboro and it was important to continue to use; that Greensboro remained vulnerable to other incorporations; that a portion of the Foxcroft neighborhood was covered under an agreement with the City while other portions did not qualify for annexation at this time under State of North Carolina requirements; that the provision of law enforcement and other services for this neighborhood would be similar to other areas on the fringes of the City and would be handled accordingly; that additional discussion might be held with regard to the existing water and sewer policy, etc.

Mr. Martin advised the annexation petition was filed when the land was being developed, that the restriction runs with the property and was a matter of public record, and that this annexation was consistent with other properties annexed by Council. After discussion with regard to the timing of the annexation, Mr. Martin explained that City staff was processing existing annexation petitions and that the agreements in place in the Foxcroft neighborhood would have been processed within a few months if it had not been processed in conjunction with the other annexations. The City Attorney reiterated that utility agreements and annexation petitions were recorded as a part of deed of record, similar to restrictive covenants; she noted the closing attorney should have found that information and advised this was an issue between the homeowner and the attorney.

The Manager provided historical information with respect to the water and sewer agreement between Greensboro and Guilford County which had served well for years until the rash of Guilford County incorporations began. He reiterated the fundamental reasons Council adopted the existing policy was to protect City water and sewer and to protect the long range interest of the current citizens of Greensboro. He requested that if Council wished to have criteria to follow with regard to the timing of the annexation of properties receiving Greensboro water and sewer, this should be discussed as a policy issue. City Manager Kitchen also reiterated that portions of the Foxcroft neighborhood were not a part of the property proposed for annexation and did not qualify for involuntary annexation under North Carolina law.

After further discussion, Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits—located in the Foxcroft Subdivision, Phases 3, 7 and 8 and four lots and Common Area in Phase 6, on Randleman Road, Foxridge Road, Meadowcroft Road, Quail Cover Court, Fox Trot Road and Brushy Fork Drive—26.240 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the

following roll call vote: Ayes: Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Jessup and Johnson.

02-68 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED IN THE FOXCROFT SUBDIVISION, PHASES 3, 7 AND 8 AND FOUR LOTS AND COMMON AREA IN PHASE 6, ON RANDLEMAN ROAD, FOXRIDGE ROAD, MEADOWCROFT ROAD, QUAIL COVE COURT, FOX TROT ROAD AND BRUSHY FORK DRIVE – 26.240 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the southeast corner of Lot 155 in Phase 6 of Foxcroft subdivision, as recorded in Plat Book 122, Page 93 in the Office of the Register of Deeds of Guilford County; thence in a westerly direction along the north right-of-way line of Quail Cove Court approximately 68 feet to the southwest corner of said Lot 155; thence N 01° 43' 11" W 127.98 feet along the west line of said lot to the northwest corner of said lot; thence S 87° 49' 19" W 201.67 feet along the south line of a Common Area shown on said plat to the southwest corner of said Common Area; thence N 06° 46' 09" W 33.90 feet along the west line of said Common Area to the northwest corner of said Common Area; thence N 74° 01' 59" E 411.49 feet along the north line of said Common Area to said Common Area's northeast corner, a point in the west right-of-way line of Meadowcroft Road; thence in a southerly direction along said west right-of-way line approximately 142 feet to the southeast corner of Lot 153 of said Phase 6; thence S 87° 49' 19" W 87.67 feet along the south line of said Lot 153 to the northeast corner of said Lot 155; thence S 06° 34' 52" E 122.39 feet to the point and place of BEGINNING.

AND

BEGINNING at the southeast corner of Lot 171 in Phase 6 of Foxcroft subdivision, as recorded in Plat Book 122, Page 93 in the Office of the Register of Deeds of Guilford County; thence N 60° 59' 39" E approximately 50 feet, crossing Meadowcroft Road, to a point in the east right-of-way line of Meadowcroft Road; thence in a northerly direction along said right-of-way line approximately 100 feet to the northwest corner of Lot 83 of said Phase 6; thence N 77° 53' 29" E 151.36 feet along the north line of said Lot 83 to the northeast corner of said lot; thence S 11° 59' 17" E 91.28 feet along the east lines of Lots 83 and 84 of said Phase 6 to the northernmost corner of Phase 7 of Foxcroft, as recorded in Plat Book 123, Page 92 in the Office of the Register of Deeds; thence continuing S 11° 59' 17" E 41.36 feet along the east line of Lot 85 of said Phase 7 to the northwest corner of the Common Area in said Phase; thence S 88° 32' 47" E 276.85 feet along the north line of said Common Area to the northeast corner of said Common Area; thence S 05° 29' 46" W 47.95 feet along the east line of said Common Area to a point; thence S 03° 27' 30" W 644.58 feet along the east line of said Common Area to a point; thence S 03° 36' 10" W 52.80 feet to the northeast corner of Phase 8 of Foxcroft, as recorded in Plat Book 127, Page 1 in the Office of the Register of Deeds; thence continuing S 03° 36' 10" W 177.11 feet along the east line of the Common Area in said Phase to a point; thence S 87° 10' 30" E 227.75 feet along the north line of said Common Area to a point in the west right-of-way line of Randleman Road; thence S 08° 47' 02" E 61.26 feet to a point approximately 20 feet east of the new west right-of-way line of said street; thence S 08° 48' 46" E 156.91 feet to a point in the west right-of-way line of Randleman Road; thence the following eight courses and distances along the south line of said Phase 8: N 83° 10' 18" W 260.00 feet to the southwest corner of Lot 206, S 08° 37' 58" E 107.97 feet to the southeast corner of Lot 207, N 82° 03' 34" W 37.97 feet to a point in the south line of Lot 207, N 83° 00' 50" W 24.81 feet to the southwest corner of Lot 207, S 03° 04' 47" W 53.57 feet to the southeast corner of Lot 208, N 85° 48' 45" W 364.25 feet to a point in the south line of Lot 213, N 85° 51' 08" W 46.23 feet to a point in the south line of Lot 213, N 85° 59' 26" W 383.14 feet to the southwest corner of Lot 220, also the southwest corner of said Phase 8; thence the following four courses and distances along the south line of Phase 3 of Foxcroft, as recorded in Plat Book 125, Page 107 in the Office of the Register of Deeds: N 85° 59' 28" W 25.02 feet to a point near the center of Fox Trot Road, N 85° 59' 26" W 270.96 feet to a point in the south line of Lot 221, N 85° 57' 46" W 294.37 feet to a point in the south line of Lot 1, N 86° 01' 03" W 90.63 feet to the southwest corner of Lot 1, also the southwest corner of said Phase 3; thence N 07° 12' 27" E 458.85 feet along the west line of said Phase 3 to the northwest corner of Lot 7; thence S 84° 15' 40" E 110.00 feet along the north line of Lot 7 to a point on the west right-of-way line of Brushy Fork Drive; thence N 05° 44' 20" E 82.61 feet along said right-of-way line to a point; thence continuing along said

right-of-way line with a curve to the left having a radius of 275.00 feet and a chord bearing and distance of N 02° 08' 25" W 75.40 feet to a point; thence N 79° 58' 50" E 50.00 feet, crossing Brushy Fork Drive, to a point on its east right-of-way line; thence in a northerly direction along said right-of-way line approximately 165 feet to the westernmost corner of the Common Area shown on said plat; thence N 50° 38' 04" E 106.74 feet along the northwest line of said Common Area to the northernmost corner of said Common Area; thence S 63° 17' 35" E 151.49 feet to a concrete monument at the northeast corner of said Common Area; thence S 04° 09' 00" W 362.76 feet to the northwest corner of Lot 198; thence S 85° 14' 21" E 236.58 feet to a point in the north line of Lot 195; thence with a curve to the right having a radius of 2,576.48 feet and a chord bearing and distance of S 83° 23' 17" E 160.98 feet to the northeast corner of said Phase 3; thence continuing along that same curve along the north line of Phase 8 of Foxcroft the following three chord bearings and distances: S 80° 51' 55" E 65.89 feet to the northwest corner of Lot 192, S 79° 20' 21" E 71.34 feet to the northwest corner of Lot 191, S 78° 04' 44" E 42.01 feet to a point in the north line of Lot 191; thence S 77° 52' 48" E 113.59 feet to a point in the north line of Lot 189; thence S 77° 39' 22" E 60.52 feet to a point in the north line of Lot 188; thence with a curve to the left having a radius of 1,879.86 and a chord bearing and distance of S 78° 19' 53" E 44.45 feet to the southwest corner of Lot 184; thence N 03° 35' 22" E 130.42 feet to the northwest corner of Lot 183; thence N 03° 35' 20" E 272.64 feet along the west line of Phase 7 of Foxcroft to a point in the west line of Lot 178; thence N 03° 35' 25" E 250.10 feet along the west line of Phase 7 of Foxcroft to a point in the west line of Lot 175; thence N 84° 29' 03" W 44.05 feet to a point in the south line of Lot 174; thence N 37° 19' 36" W 194.62 feet to the westernmost corner of Lot 172; thence N 60° 59' 39" E 120.48 feet to the point and place of BEGINNING.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2002, the liability for municipal taxes for the 2001-02 fiscal year shall and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2002.

(Signed) Thomas M. Phillips

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the east and west sides of Meadowcroft Road, north and south sides of Fox Ridge Road, east and west sides of Fox Trot Road, and east and west sides of Brushy Fork Drive. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Jessup.

02-69 AMENDING OFFICIAL ZONING MAP

EAST AND WEST SIDES OF MEADOWCROFT ROAD, NORTH AND SOUTH SIDES OF FOX RIDGE ROAD, EAST AND WEST SIDES OF FOX TROT ROAD, AND EAST AND WEST SIDES OF BRUSHY FORK DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at the southeast corner of Lot 171 in Phase 6 of Foxcroft subdivision, as recorded in Plat Book 122, Page 93 in the Office of the Register of Deeds of Guilford County; thence N 60° 59' 39" E approximately 50 feet, crossing Meadowcroft Road, to a point in the east right-of-way line of Meadowcroft Road; thence in a northerly direction along said right-of-way line approximately 100 feet to the northwest corner of Lot 83 of said Phase 6; thence N 77° 53' 29" E 151.36 feet along the north line of said Lot 83 to the northeast corner of said lot; thence S 11° 59' 17" E 91.28 feet along the east lines of Lots 83 and 84 of said Phase 6 to the northernmost corner of Phase 7 of Foxcroft, as recorded in Plat Book 123, Page 92 in the Office of the Register of Deeds; thence continuing S 11° 59' 17" E 41.36 feet along the east line of Lot 85 of said Phase 7 to the northwest corner of the Common Area in said Phase; thence S 88° 32' 47" E 276.85 feet along the north line of said Common Area to the northeast corner of said Common Area; thence S 05° 29' 46" W 47.95 feet along the east line of said Common Area to a point; thence S 03° 27' 30" W 644.58 feet along the east line of said Common Area to a point; thence S 03° 36' 10" W 52.80 feet to the northeast corner of Phase 8 of Foxcroft, as recorded in Plat Book 127, Page 1 in the Office of the Register of Deeds; thence continuing S 03° 36' 10" W 177.11 feet along the east line of the Common Area in said Phase to a point; thence S 87° 10' 30" E 227.75 feet along the north line of said Common Area to a point in the west right-of-way line of Randleman Road; thence S 08° 47' 02" E 61.26 feet to a point approximately 20 feet east of the new west right-of-way line of said street; thence S 08° 48' 46" E 156.91 feet to a point in the west right-of-way line of Randleman Road; thence the following eight courses and distances along the south line of said Phase 8: N 83° 10' 18" W 260.00 feet to the southwest corner of Lot 206, S 08° 37' 58" E 107.97 feet to the southeast corner of Lot 207, N 82° 03' 34" W 37.97 feet to a point in the south line of Lot 207, N 83° 00' 50" W 24.81 feet to the southwest corner of Lot 207, S 03° 04' 47" W 53.57 feet to the southeast corner of Lot 208, N 85° 48' 45" W 364.25 feet to a point in the south line of Lot 213, N 85° 51' 08" W 46.23 feet to a point in the south line of Lot 213, N 85° 59' 26" W 383.14 feet to the southwest corner of Lot 220, also the southwest corner of said Phase 8; thence the following four courses and distances along the south line of Phase 3 of Foxcroft, as recorded in Plat Book 125, Page 107 in the Office of the Register of Deeds: N 85° 59' 28" W 25.02 feet to a point near the center of Fox Trot Road, N 85° 59' 26" W 270.96 feet to a point in the south line of Lot 221, N 85° 57' 46" W 294.37 feet to a point in the south line of Lot 1, N 86° 01' 03" W 90.63 feet to the southwest corner of Lot 1, also the southwest corner of said Phase 3; thence N 07° 12' 27" E 458.85 feet along the west line of said Phase 3 to the northwest corner of Lot 7; thence S 84° 15' 40" E 110.00 feet along the north line of Lot 7 to a point on the west right-of-way line of Brushy Fork Drive; thence N 05° 44' 20" E 82.61 feet along said right-of-way line to a point; thence continuing along said right-of-way line with a curve to the left having a radius of 275.00 feet and a chord bearing and distance of N 02° 08' 25" W 75.40 feet to a point; thence N 79° 58' 50" E 50.00 feet, crossing Brushy Fork Drive, to a point on its east right-of-way line; thence in a northerly direction along said right-of-way line approximately 165 feet to the westernmost corner of the Common Area shown on said plat; thence N 50° 38' 04" E 106.74 feet along the northwest line of said Common Area to the northernmost corner of said Common Area; thence S 63° 17' 35" E 151.49 feet to a concrete monument at the northeast corner of said Common Area; thence S 04° 09' 00" W 362.76 feet to the northwest corner of Lot 198; thence S 85° 14' 21" E 236.58 feet to a point in the north line of Lot 195; thence with a curve to the right having a radius of 2,576.48 feet and a chord bearing and distance of S 83° 23' 17" E 160.98 feet to the northeast corner of said Phase 3; thence continuing along that same curve along the north line of Phase 8 of Foxcroft the following three chord bearings and distances: S 80° 51' 55" E 65.89 feet to the northwest corner of Lot 192, S 79° 20' 21" E 71.34 feet to the northwest corner of Lot 191, S 78° 04' 44" E 42.01 feet to a point in the north line of Lot 191; thence S 77° 52' 48" E 113.59 feet to a point in the north line of Lot 189; thence S 77° 39' 22" E 60.52 feet to a point in the north line of Lot 188; thence with a curve to the left having a radius of 1,879.86 and a chord bearing and distance of S 78° 19' 53" E 44.45 feet to the southwest corner of Lot 184; thence N 03° 35' 22" E 130.42 feet to the northwest corner of Lot 183; thence N 03° 35' 20" E 272.64 feet along the west line of Phase 7 of Foxcroft to a point in the west line of Lot 178; thence N 03° 35' 25" E 250.10 feet along the west line of Phase 7 of Foxcroft to a point in the west line of Lot 175; thence N 84° 29' 03" W 44.05 feet to a point in the



south line of Lot 174; thence N 37° 19' 36" W 194.62 feet to the westernmost corner of Lot 172; thence N 60° 59' 39" E 120.48 feet to the point and place of BEGINNING

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Gatten moved adoption of the ordinance establishing original zoning classification from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located north of Quail Cove Court west of Meadowcroft Road. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 02-70 AMENDING OFFICIAL ZONING MAP

#### NORTH OF QUAIL COVE COURT WEST OF MEADOWCROFT ROAD

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at the southeast corner of Lot 155 in Phase 6 of Foxcroft subdivision, as recorded in Plat Book 122, Page 93 in the Office of the Register of Deeds of Guilford County; thence in a westerly direction along the north right-of-way line of Quail Cove Court approximately 68 feet to the southwest corner of said Lot 155; thence N 01° 43' 11" W 127.98 feet along the west line of said lot to the northwest corner of said lot; thence S 87° 49' 19" W 201.67 feet along the south line of a Common Area shown on said plat to the southwest corner of said Common Area; thence N 06° 46' 09" W 33.90 feet along the west line of said Common Area to the northwest corner of said Common Area; thence N 74° 01' 59" E 411.49 feet along the north line of said Common Area to said Common Area's northeast corner, a point in the west right-of-way line of Meadowcroft Road; thence in a southerly direction along said west right-of-way line approximately 142 feet to the southeast corner of Lot 153 of said Phase 6; thence S 87° 49' 19" W 87.67 feet along the south line of said Lot 153 to the northeast corner of said Lot 155; thence S 06° 34' 52" E 122.39 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at the northwest corner of East Wendover Avenue and Penry Road—43.426 acres. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning classification from County Zoning Light Industrial to City Zoning Conditional Use-Public and Institutional for property located on the north side of East Wendover Avenue between Aunt Mary Avenue and Penry Road. The Mayor administered the oath to those individuals who wished to speak to these issues.

Mr. Martin used a map to illustrate the property and surrounding area and provided the following staff presentation:

REQUEST – ITEM 17

This request is to establish original zoning of property from County Zoning Light Industrial to City Zoning Conditional Use – Public and Institutional.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

The Public and Institutional District is primarily intended to accommodate mid- and large-sized public, quasi-public, and institutional uses which have a substantial land use impact or traffic generation potential.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All of those uses permitted in the Public and Institutional zoning district except the following uses: congregate care facilities, group care facilities, shelters for the homeless, single room occupancy residences (new), junked motor vehicles, recycling collection points, baseball clubs (professional), country clubs with golf courses, shooting ranges (outdoor), cemeteries/mausoleums, correctional institutions, nursing and convalescent homes, orphanages, psychiatric hospitals, funeral homes or crematoriums, airports, land clearing and inert debris landfills, and water treatment plants.
- 2) Applicant shall construct an eastbound left turn into the site as provided for in the Transportation Impact Study.
- 3) Applicant shall construct a westbound right turn into the site as provided for in the Transportation Impact Study.
- 4) Applicant shall construct a restricted movement access on East Wendover Avenue at the Bonita Road intersection. Restricted movements or movements that cannot be made will include the following: (a) north-bound and south-bound left turns, and (b) north-bound and south-bound throughs. However, if approved by GDOT or NCDOT, and if a traffic signal warrants analysis determines that a traffic signal at the East Wendover/Bonita Drive/site access #1 is warranted, then applicant may provide for the installation of a traffic signal at this access that does not restrict north-bound and south-bound left turns and through traffic.
- 5) Applicant shall construct a channelized east-bound left turn lane on East Wendover Avenue with a monolithic concrete island.
- 6) Applicant shall construct a full movement access on Penry Road opposite the Kmart distribution access and at least 270 feet north of the East Wendover Avenue/Penry Road intersection.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 43.4 acres and is located on the north side of East Wendover Avenue between Aunt Mary Avenue and Penry Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	LI	Vacant land
North	RS-5, RS-9	Vacant land
East	CU-LI	Kmart Distribution Facility
South	LI	Pest control service, strip center and body shop
West	RS-9, RS-5, RS-7	Approximately 17 single family dwellings

Mr. Martin stated that the Planning Department, Zoning Commission and Planning Board had recommended adoption of the annexation and original zoning.

Mayor Holliday asked if anyone wished to speak to these matters.

Tom Terrell and Don Cameron, representing Guilford Technical Community College (GTCC) spoke in favor of the annexation and original zoning. Mr. Terrell spoke briefly to the conditions contained in the proposed ordinance and to the traffic impact study. Mr. Cameron spoke to efforts to locate a suitable site on the east side of Greensboro, detailed the staff's work with NC A&T State University to ensure these two educational institutions would work well together, and spoke to meetings with area residents.

After brief discussion, Councilmember Vaughan moved to close the public hearing on the two items. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

#### Item 17 – East Wendover Avenue/Penry Road

The Planning Department recommends that this original zoning request be approved.

A Transportation Impact Study has been prepared based upon use of the property as Guilford Technical Community College's East Campus.

This study concluded that the proposed development will not have a significant impact on the overall operations of the surrounding roadway network.

The revised Transportation Impact Study approved by GDOT requires the developer to construct a "left-over" type median at the East Wendover Avenue/Bonita Drive/site access #1 intersection.

GDOT recommends that the development focus access towards Penry Road to utilize the existing signal capacity at the Penry Road/Wendover Avenue intersection as modeled in the revised TIS.

Staff feels that this is a good location for the community college since it will serve east Greensboro and eastern Guilford County via a major thoroughfare.

Council commended the GTCC representatives for the proposal to locate a campus in this area. Speaking to the need for this type of development in East Greensboro, Councilmember Burroughs-White encouraged Council's support. Councilmember Perkins challenged City staff to develop a way to screen from the view of the public the junkyards located on East Wendover Avenue.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits—located at the northwest corner of East Wendover Avenue and Penry Road—43.426 acres. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 02-71 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT THE NORTHWEST CORNER OF EAST WENDOVER AVENUE AND PENRY ROAD – 43.426 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro city limit line (as of February 28, 2002), said point being on the western eighty foot right-of-way line of Penry Road at a point on the north boundary line of a parcel of land to the North Carolina State Highway Commission as recorded in Deed Book 2010 at Page 38, said point being N 77° 08' 53" W a horizontal ground distance of 1,441.44 feet from City of Greensboro monument #59E 200; thence S 68° 57' 13" W along the northwest side of said North Carolina State Highway Commission a distance of 126.17 feet; thence continuing along said North Carolina State Highway Commission S 07° 32' 36" E a distance of 25.50 feet to the point of intersection with the north one-hundred twenty foot (120') right-of-way line of U. S. Highway 70, known as East Wendover Avenue; thence N 86° 13' 38" W along said north right-of-way line a distance of 1,540.57 feet to an existing iron pipe at the southeast corner of James T. Cox (no deed found) being a point on the east boundary line of Ward Heights Revised as recorded in Plat Book 17 at Page 7; thence N 08° 14' 24" E along

said Cox and along said east boundary line of Ward Heights Revised a distance of 116.49 feet to an existing iron pipe at the southeast corner of Raymond C. Cable as recorded in Deed Book 4246 at Page 395; thence N 07° 59' 11" E along said Cable and along said east boundary line of Ward Heights Revised a distance of 74.84 feet to an existing iron pipe at the southeast corner of Felts Family Limited Partnership as recorded in Deed Book 4057 at Page 1926; thence N 07° 57' 11" E continuing along said east boundary line of Ward Heights Revised and along Ward Heights as recorded in Plat Book 16 at Page 53 and along the east boundary line of said Felts Family and along the east boundary line of Gary E. Bridges as recorded in Deed Book 4463 at Page 593 and along the east boundary line of Charles T. Kivett as recorded in Deed Book 5025 at Page 1698 a distance of 224.84 feet to an existing iron pipe at the southeast corner of Wilt T. McRae as recorded in Deed Book 3753 at Page 593; thence N 07° 58' 11" E continuing along the east boundary line of said Ward Heights and said Ward Heights Revised and along the east boundary line of said McRae and along the east boundary lines of Robert R. Johnson as recorded in Deed Book 4271 at Page 670 and Ann Richardson Schisne as recorded in Deed Book 1499 at Page 1500 and Robert R. Johnson as recorded in said Deed Book 4271 at Page 670 a distance of 293.43 feet to an existing iron pipe at the southeast corner of Eastern Oaks Homeowners Association as recorded in Deed Book 3753 at Page 1150; thence N 05° 55' 11" E along the east boundary line of said Eastern Oaks a distance of 185.56 feet to a stone; thence continuing along said east boundary line of Eastern Oaks and along the east boundary line of H. Stanley Gladden as recorded in Deed Book 3789 at Page 1553 a distance of 309.82 feet to an existing iron pipe at the southwest corner of Robert E. McConnell as recorded in Deed Book 3871 at Page 533; thence S 85° 17' 00" E along the south boundary line of said McConnell and along the south boundary line of the Janet M. Fryar Estate as recorded in Deed Book 3051 at Page 649 a distance of 1,623.31 feet to an existing concrete monument at a point on curve at the point of intersection with said westerly eighty foot right-of-way line of Penry Road; thence along said western right-of-way line along the arc of said curve to the right having a radius of 1,105.91 feet a distance of 141.66 feet (chord course S 01° 20' 08" E – 141.56 feet); thence continuing along said western right-of-way line S 02° 20' 01" W a distance of 949.77 feet to the point of beginning, containing 43.426 acres and being entirely bounded by the existing corporate limits of the City of Greensboro.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2002, the liability for municipal taxes for the 2001-02 fiscal year shall and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2002.

(Signed) Yvonne J. Johnson

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Councilmember Burroughs-White moved that the ordinance establishing original zoning of this property to Conditional Use – Public and Institutional be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of the property.

- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because surrounding property on three sides is either zoned for light industrial use or is vacant.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this is a good location for the community college since it will serve east Greensboro and eastern Guilford County via a major thoroughfare.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

## 02-72 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

### NORTH SIDE OF EAST WENDOVER AVENUE BETWEEN AUNT MARY AVENUE AND PENRY ROAD

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Light Industrial to City Zoning Conditional Use – Public and Institutional (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at a point in the existing Greensboro city limit line (as of February 28, 2002), said point being on the western eighty foot right-of-way line of Penry Road at a point on the north boundary line of a parcel of land to the North Carolina State Highway Commission as recorded in Deed Book 2010 at Page 38, said point being N 77° 08' 53" W a horizontal ground distance of 1,441.44 feet from City of Greensboro monument #59E 200; thence S 68° 57' 13" W along the northwest side of said North Carolina State Highway Commission a distance of 126.17 feet; thence continuing along said North Carolina State Highway Commission S 07° 32' 36" E a distance of 25.50 feet to the point of intersection with the north one-hundred twenty foot (120') right-of-way line of U. S. Highway 70, known as East Wendover Avenue; thence N 86° 13' 38" W along said north right-of-way line a distance of 1,540.57 feet to an existing iron pipe at the southeast corner of James T. Cox (no deed found) being a point on the east boundary line of Ward Heights Revised as recorded in Plat Book 17 at Page 7; thence N 08° 14' 24" E along said Cox and along said east boundary line of Ward Heights Revised a distance of 116.49 feet to an existing iron pipe at the southeast corner of Raymond C. Cable as recorded in Deed Book 4246 at Page 395; thence N 07° 59' 11" E along said Cable and along said east boundary line of Ward Heights Revised a distance of 74.84 feet to an existing iron pipe at the southeast corner of Felts Family Limited Partnership as recorded in Deed Book 4057 at Page 1926; thence N 07° 57' 11" E continuing along said east boundary line of Ward Heights Revised and along Ward Heights as recorded in Plat Book 16 at Page 53 and along the east boundary line of said Felts Family and along the east boundary line of Gary E. Bridges as recorded in Deed Book 4463 at Page 593 and along the east boundary line of Charles T. Kivett as recorded in Deed Book 5025 at Page 1698 a distance of 224.84 feet to an existing iron pipe at the southeast corner of Wilt T. McRae as recorded in Deed Book 3753 at Page 593; thence N 07° 58' 11" E continuing along the east boundary line of said Ward Heights and said Ward Heights Revised and along the east boundary line of said McRae and along the east boundary lines of Robert R. Johnson as recorded in Deed Book 4271 at Page 670 and Ann Richardson Schisne as recorded in Deed Book 1499 at Page 1500 and Robert R. Johnson as recorded in said Deed Book 4271 at Page 670 a distance of 293.43 feet to an existing iron pipe at the southeast corner of Eastern Oaks Homeowners Association as recorded in Deed Book 3753 at Page 1150; thence N 05° 55' 11" E along the east boundary line of said Eastern Oaks a distance of 185.56 feet to a stone; thence continuing along said east boundary line of Eastern Oaks and along the east boundary line of H. Stanley Gladden as recorded in Deed Book 3789 at Page 1553 a distance of 309.82 feet to an existing iron pipe at the southwest corner of Robert E. McConnell as recorded in Deed Book 3871 at Page 533; thence S 85° 17' 00" E along the south boundary line of said McConnell and along the south boundary line of the Janet M. Fryar Estate as recorded in Deed Book 3051 at Page 649 a distance of 1,623.31 feet to an existing concrete monument at a point on curve at the point of intersection with said westerly eighty foot right-of-way line of Penry Road; thence along said western right-of-way line along the arc of said curve to the right having a radius of 1,105.91 feet a distance of 141.66 feet (chord course S 01° 20' 08" E – 141.56 feet); thence continuing along said western right-of-way line S 02° 20' 01" W a distance of 949.77 feet to

the point of beginning, containing 43.426 acres and being entirely bounded by the existing corporate limits of the City of Greensboro.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

1. All of those uses permitted in the Public and Institutional zoning district except the following uses: congregate care facilities, group care facilities, shelters for the homeless, single room occupancy residences (new), junked motor vehicles, recycling collection points, baseball clubs (professional), country clubs with golf courses, shooting ranges (outdoor), cemeteries/mausoleums, correctional institutions, nursing and convalescent homes, orphanages, psychiatric hospitals, funeral homes or crematoriums, airports, land clearing and inert debris landfills, and water treatment plants.
2. Applicant shall construct an eastbound left turn into the site as provided for in the Transportation Impact Study.
3. Applicant shall construct a westbound right turn into the site as provided for in the Transportation Impact Study.
4. Applicant shall construct a restricted movement access on East Wendover Avenue at the Bonita Road intersection. Restricted movements or movements that cannot be made will include the following: (a) north-bound and south-bound left turns, and (b) north-bound and south-bound throughs. However, if approved by GDOT or NCDOT, and if a traffic signal warrants analysis determines that a traffic signal at the East Wendover/Bonita Drive/site access #1 is warranted, then applicant may provide for the installation of a traffic signal at this access that does not restrict north-bound and south-bound left turns and through traffic.
5. Applicant shall construct a channelized east-bound left turn lane on East Wendover Avenue with a monolithic concrete island.
6. Applicant shall construct a full movement access on Penry Road opposite the Kmart distribution access and at least 270 feet north of the East Wendover Avenue/Penry Road intersection.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-5 Residential Single Family to Conditional Use-Limited Office for property located at the southeast intersection of South Mendenhall Street and Walker Avenue; he noted that this matter received an 8-0 vote of the Zoning Commission to recommend the approval of the rezoning. Mayor Holliday administered the oath to those individuals who wished to speak.

Using a map to illustrate the property and surrounding area, Mr. Martin advised this rezoning request was in an historical district and was required to come to Council for final approval. He stated that the Historical Preservation Commission supported the rezoning request and provided the following staff presentation:

#### REQUEST – ITEM 18

This request is to rezone property from RS-5 Residential Single Family to Conditional Use – Limited Office.

The RS-5 District is primarily intended to accommodate single family detached dwellings at a density of 7.0 units per acre or less.

The Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative, and government office uses on small to mid-sized sites near residential areas.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses shall be limited to the following permitted uses and all uses accessory to such permitted uses: 1) church uses, 2) adult daycare centers, 3) child daycare centers, and 4) rehabilitation and counseling services.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 1.75 acres and is located at the southeast intersection of South Mendenhall Street and Walker Avenue.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-5	Presbyterian Church of the Covenant
North	RS-5	Parking lot/playground & single family dwelling & two duplexes
East	RS-5	Apartment building & 3 single family dwellings
South	RM-26	Apartment building & single family dwelling
West	RS-5 RM-26	Apartment building & vacant lot Apartment buildings

Mr. Martin stated that the Planning Department and Zoning Commission had recommended approval of the request.

Mayor Holliday asked if anyone wished to be heard.

Jim Dollar, 2227 West Friendly Avenue, Pastor of the Presbyterian Church of the Covenant, spoke to the desire and need of the Church to use the space during the work day to generate income for the church; he stated this would provide a new platform for ministries through the lease of the space to organizations whose purposes were compatible with those of the church. He stated this action was essential to allow the Church to continue to exist.

Carol Freeze, spoke to efforts to locate a suitable site for a non-profit daycare facility. She stated this site met their needs and urged Council to approve the rezoning.

Councilmember Burroughs-White moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 18 – South Mendenhall and Walker

The Planning Department recommends that this request be approved.

At its February 27, 2002 meeting, the Greensboro Historic Preservation Commission recommended in favor of this rezoning.

The Commission based its recommendation primarily on the fact that Presbyterian Church of the Covenant is a contributing structure in the College Hill Historic District and the rezoning would be consistent with the following Secretary of the Interior's Standards for Treatment of Historic Properties:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

This rezoning would help the church gain additional revenue which is critical to its survival and, if the church cannot survive, then the future of this contributing structure is uncertain.

This rezoning will allow the church to make space available for several nonprofit programs that help enhance the church's outreach mission.

After Council determined that the applicant had met with area residents to explain the proposed rezoning, Councilmember Gatten moved that the ordinance rezoning this property to Conditional Use – Limited Office be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed uses of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the principal use of the property will continue to be a church.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the Historic Preservation Commission has recommended in favor of this request since it is consistent with the Standards for Treatment of Historic Properties and conditions limit the use of the property to programs that will enhance the church's outreach mission.

The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-73 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTHEAST INTERSECTION OF SOUTH MENDENHALL STREET AND WALKER AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-5 Residential Single Family to Conditional Use – Limited Office (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the eastern right-of-way line of South Mendenhall Street and the southern right-of-way line of Walker Avenue; thence along said southern right-of-way line S86°52'00"E 225.12 feet to a point; thence continuing along said southern right-of-way line S85°48'59"E 75.19 feet to a point, said point being the northwest corner of Charles H. West, Jr. as recorded in Deed Book 2858, Page 747 in the Office of the Guilford County Register of Deeds; thence leaving said southern right-of-way line along the line of West S02°48'43"W 149.91 feet to a point; thence N87°07'31"W 12.00 feet to a point; thence S04°09'01"W 138.33 feet to a point in the northern right-of-way line of Morehead Street; thence along said northern right-of-way line N69°45'49"W 115.08 feet to a point; thence continuing along said northern right-of-way line N86°24'26"W 158.30 feet to a point in the intersection with the eastern right-of-way line of South Mendenhall Street; thence along said eastern right-of-way line N01°00'10"W 255.21 feet to the point and place of BEGINNING, containing 1.72 acres



more or less and shown on "Property of Church of the Covenant" prepared by William L. Knight P.L.S. and dated 03-01-02.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to the following permitted uses and all uses accessory to such permitted uses:  
1) church uses, 2) adult daycare centers, 3) child daycare centers, and 4) rehabilitation and counseling services.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Florence F. Gatten

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The Mayor declared a recess at 10:05 p.m.

The meeting reconvened at 10:15 p.m. with all members of Council present.

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The Mayor introduced an ordinance amending Chapter 30, Section 30-4-4.7 to establish the East Market Street Pedestrian Scale Overlay District for a portion of the East Market Street Corridor located between the Norfolk-Southern Railroad Overpass and Gillespie Street and an ordinance establishing the East Market Street Pedestrian Scale Overlay District for a portion of the East Market Street Corridor between Norfolk-Southern Railroad Overpass and Gillespie Street. The Mayor asked if anyone wished to be heard.

Mr. Martin spoke briefly to the staff's recommendation that Council approve this first Pedestrian Scale Overlay District for Greensboro.

Using a PowerPoint presentation for illustrative purposes, MacArthur Sims, representing East Market Street Development Corporation, stated this proposed Overlay District had involved a three-year process and spoke to efforts to encourage more pedestrian-friendly development on East Market Street. He thereupon reviewed the vision statement, the Plan's goals and objectives, and accomplishments to date. Mr. Sims advised that this Plan had received overwhelming support by the Planning Board, Zoning Commission and city staff.

Also using a PowerPoint presentation, Sue Schwartz, Greensboro Housing and Community Development Department Planner, detailed the common purposes of overlay districts, purposes of a pedestrian scale overlay, and common elements of an overlay. She provided details about building siting, site improvements, site safety, site access, etc.

(A copy of the powerpoint presentation is filed in Exhibit Drawer N, Exhibit Number 35, which is hereby referred to and made a part of these minutes.)

Council commended Mr. Sims, the East Market Street Development Corporation, and City staff for their excellent work.

Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Councilmember Phillips moved adoption of the ordinance amending Chapter 30, Section 30-4-4.7 to establish the East Market Street Pedestrian Scale Overlay District for a portion of the East Market Street Corridor located between the Norfolk-Southern Railroad Overpass and Gillespie Street. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 02-74 AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-4-4.7, Pedestrian Scale Overlay Districts, is hereby amended by adding subsection (C) to read as follows:

“(C) *East Market Street Pedestrian Scale Overlay District Established:* The East Market Street Pedestrian Scale Overlay District is hereby established as a Pedestrian Scale Overlay District.

- (1) Purposes of the Overlay District: The East Market Street Pedestrian Scale Overlay District regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:
  - (a) Revitalize a commercial corridor so as to serve the needs of the community, including the adjacent university and college communities;
  - (b) Modify the image of the corridor, moving away from the existing vehicular-oriented thoroughfare to an image which is attractive to pedestrian access and use;
  - (c) Encourage a desirable and mutually supportive mix of uses in close proximity to each other;
  - (c) Provide commercial and employment opportunities which are easily accessible to neighborhood residents;
  - (e) Create a corridor with a distinct sense of place and character;
  - (f) Encourage high quality building and site design;
  - (g) Encourage uses of a specific character, type; and market;
  - (h) Encourage a corridor character that is both attractive and compatible between public and private spaces; and
  - (i) Implement the East Market Street Corridor Development Plan.
- (2) Use Limitations:
  - (a) First Floor Uses: Uses on the first floor shall be limited to those Retail Trade uses; Business, Professional, & Personal Services uses; Educational & Institutional uses; and Manufacturing and Industrial uses permitted by right, with development standards, or with Special Use Permits in the underlying zoning district.
  - (b) Upper Floor Uses: Uses on all floors above the first floor shall be limited to those uses permitted by right, with development standards, or with Special Use Permits on the first floor, or any residential use listed under the Residential Uses subsection of Table 30-4-5-1.
- (3) Building Setback and Set-to Lines:

- (a) **Street Setbacks:** Minimum building setback from the public right-of-way shall be not less than one (1) foot. Where existing buildings along a block face between two intersecting streets establish a uniform building setback line, new buildings shall conform to that established setback.
  - (b) **Rear Setbacks:** Minimum building setback from the rear property line shall be not less than forty-five (45) feet.
  - (c) **Other Interior Setbacks:** Minimum building setback from other interior property lines shall be zero (0) feet. Where buildings are set back from interior property lines, not less than ten (10) feet shall separate buildings on adjacent lots. Where buildings are set back less than five (5) feet from interior property lines, permanent easements over five (5) feet of the adjacent property must be obtained and recorded in the Office of the County Register of Deeds so as to permit maintenance.
- (4) **Building Height:**
  - (a) The maximum building height shall not exceed fifty-five (55) feet.
  - (b) Where existing structures within the block face between two intersecting streets establish a uniform building height of less than fifty-five (55) feet, the maximum building height shall not exceed that uniform building height by more than fifty percent (50%) of that uniform building height, nor fifty-five (55) feet.
- (5) **Building Materials:**
  - (a) Neither concrete block (with the exception of architectural split face block) nor corrugated metal shall be used as a primary material for the exterior walls or surfaces of a building.
  - (b) Primary materials for walls and facades visible from the right-of-way shall be limited to brick, masonry units, glass, and metal accents.
- (6) **Signs:** Except as provided below, signs shall meet the requirements of Section 30-5-5.
  - (a) **Freestanding Signs:** Freestanding signage requiring a permit shall be limited to monument signs. No sign exceeding 150 square feet shall be permitted within the Pedestrian Scale Overlay District.
  - (b) **Projecting Signs:** No more than one (1) right-angle sign is allowed for each business entrance. The bottom of a projecting sign shall be at least eight (8) feet above any sidewalk, parking area, or other paved area. The area of a projecting sign will be calculated in the overall attached signage and shall not exceed twenty-four (24) square feet maximum area on each side.
  - (c) **Wall Signs:** Horizontal wall signs are encouraged. No wall sign shall project more than six (6) inches into the public right-of-way.
- (7) **Building Lighting:**
  - (a) Property owners and managers are encouraged to safely illuminate building entry/exit locations; however, such areas shall only be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from off the property.
  - (b) Building walls may be illuminated.

(c) No building illumination shall cause the site to exceed maximum site lighting limitations.

(8) Parking:

(a) Minimum Parking Requirements: In those portions of the Overlay District with underlying zoning of GB, GO-H and HB, a minimum of one (1) space for each 300 square feet of retail or office gross floor area shall be provided on site, except as modified below.

(b) Parking Credits and Exceptions:

(j) In all areas, on-street parking spaces on the right-of-way between the two side lot lines of the site may be counted to satisfy the minimum off-street parking requirements.

(ii) Where parking is available off-site within 400 feet of the front entry to the building, and that parking is owned or controlled under a permanent and recorded parking encumbrance agreement for use by the occupants or employees on the site, said parking may be counted to satisfy the off-street parking requirements.

(iii) In those portions of the Overlay District with underlying zoning of GB, GO-H and HB and which are occupied as a retail use, all parking all parking located behind the front setback of the building shall be double-counted so that each such parking space behind the front setback shall be counted as if it were two (2) spaces available to satisfy the off-street parking requirements for such retail use.

(iv) Where it can be demonstrated through a documented parking study that the demand for parking of the combined uses of two (2) or more buildings can be satisfied with the shared and jointly accessible off-street parking available to those buildings, then a special exception to these parking requirements may be granted by the Board of Adjustment to satisfy the minimum parking requirements.

(c) Location: All parking serving the site and counted toward minimum parking requirements shall be located on the site, on the street as allowed in (b)(1) above, and/or within 400 feet of the site.

(9) Parking Structures:

(a) No parking structure may be designed or installed so as to present to the street or public right-of-way an elevation or façade with openings, fenestrations, and structural elements which are of a slanted or diagonal nature reflecting the incline of ramps.

(b) Any parking structure exceeding twenty-five (25) feet in height shall be set back from the right-of-way a minimum of one (1) horizontal foot for each two (2) vertical feet of height.

(10) Site Landscaping and Lighting:

(a) The standards for site landscaping and site lighting established for the underlying zoning and use shall govern the development and redevelopment of property within the Overlay District.

(b) Exceptions from underlying site landscaping and lighting standards may be approved as part of site plan review by the Technical Review Committee where it is shown that said landscaping and lighting meets the guidelines identified in the East Market Street Pedestrian Scale Overlay Plan.

(11) Screening:

- (a) Utility connections and equipment shall be enclosed or screened from view from public areas of the site, including from parking lots.
  - (b) Trash containers, compactors, dumpsters, and storage areas shall be placed on a concrete pad and surrounded by a fence or wall enclosure (of not less than the height of trash or storage to be screened) of durable materials compatible in design with the building and building materials.
  - (c) Loading docks shall be screened from view from the street right-of-way.
- (12) Spacing and Number of Vehicular Access Points:
  - (a) Separation between access points on all state highways shall be in accordance with North Carolina Department of Transportation Access Classification System & Standards.
  - (b) No more than one (1) vehicular access to East Market Street shall be permitted on any site unless one (1) such access is shared between the subject site and an adjacent site.
  - (c) Upon review of traffic, circulation, and pedestrian safety issues, the Greensboro Department of Transportation (GDOT) may approve additional driveway access points for a given site.
- (13) Cross Access: Each site shall provide cross a cross access point and cross access easement to allow circulation between sites. Property owners shall:
  - (a) Record an easement in the Office of the County Register of Deeds allowing cross access to and from the adjacent properties;
  - (b) Agree that any pre-existing driveways, in excess of those permitted herein, shall be closed and eliminated after construction of the joint use driveway; and
  - (c) Record a joint maintenance agreement in the Office of the County Register of Deeds defining maintenance responsibilities of property owners that share the joint use driveway and cross access system.
- (14) Pedestrian Sidewalks:
  - (a) Whenever a building is set back from the sidewalk or street right-of-way, an uninterrupted, hard surface sidewalk of not less than five (5) feet in width shall be installed and maintained to connect the public sidewalk with the principal entry to the building.
  - (b) Sidewalks shall be provided along the length of any façade abutting parking areas. Such sidewalks shall be located at least four (4) feet from the façade of the building to provide planting beds for foundation landscaping.
  - (c) Pedestrian circulation shall be provided between abutting properties through the use of walkways or unidentifiable pathways.
  - (d) Curb cuts and ramps shall be provided where necessary to meet the Americans with Disabilities Act.”

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Thomas M. Phillips

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Councilmember Phillips moved adoption of an ordinance establishing the East Market Street Pedestrian Scale Overlay District for a portion of the East Market Street Corridor between Norfolk-Southern Railroad Overpass and Gillespie Street. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

## 02-75 AMENDING OFFICIAL ZONING MAP

### EAST MARKET STREET CORRIDOR BETWEEN NORFOLK-SOUTHERN RAILROAD OVERPASS AND GILLESPIE STREET

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing the East Market Street Pedestrian Scale Overlay District for the area described as follows:

BEGINNING at the intersection of the centerline of the Norfolk and Southern Railroad (Crescent Rail) right-of-way and the intersection of the centerline of East Friendly Avenue, said intersection being between Church Street and Murrow Boulevard in the City of Greensboro and running thence south with the centerline of the Railroad right-of-way to the point of its intersection with the centerline of East Washington Street; thence with the centerline of East Washington Street eastward to the point of its intersection with the centerline of the Norfolk and Southern Railroad (Carolinian) right-of-way; thence with the centerline of the Railroad right-of-way eastward to its intersection with the centerline of Gillespie Street; thence north with the centerline of Gillespie Street to the centerline of East Market Street; thence west with the centerline of East Market Street to the point of intersection with the centerline (extended) of the eastern ramp to O. Henry Boulevard; thence westward with the centerline of the East Market Street Ramp to O. Henry Boulevard crossing O. Henry and continuing westward with the centerline of the western ramp to the point of its intersection with the centerline of Booker Street; thence leaving the centerline of the O. Henry Ramp westward to a point in the eastern line of that tract shown on the Greensboro City Tax Map as parcel 101-1-1 (said Tax Maps hereafter referred to are abbreviated as "TM" and refer to those City of Greensboro tax maps as they exist on March 11, 2002), said point being 78 feet south from the northeast corner of said tract; thence with the eastern line of TM 101-1-1 northward 78 feet to its northeast corner; thence with the northern line extended on its course westward to a point in the centerline of Luther Street; thence southward with the centerline of Luther Street to a point of its intersection with the westernmost northern line of TM 101-1-1 extended eastward to the centerline of Luther Street; thence with the northern line extended, and as shown, of TM 101-1-1 westward to its intersection with the centerline of Benbow Road; thence northward with the centerline of Benbow Road to a point where it would intersect with the northern line of TM 70-5-1 extended eastward; thence westward with the extension, and the various courses and distances, of TM 70-5-1 extended to its intersection with the centerline of Laurel Street; thence southward with its centerline to an eastward extension of the northern line of TM 47-3-3; thence westward with the northern lines of TM 47-3-3-, 47-3-6 and 47-3-2 to an intersection with the centerline of Nocho Street (closed), being the southeastern corner of TM 47-1-9; thence northward with the centerline of Nocho Street (closed) also being the eastern line of TM 47-1-9 to the northeast corner in TM 47-1-9; thence westward with the northern lines of TM 47-1-9 and 47-1-10 to the northwest corner of TM 47-1-10; thence southward with the western line of TM 47-1-10 to the northeast corner of lot TM 47-1-17; thence with the northern line of lot TM 47-1-17 to the eastern line of TM 28-13-1; thence with the northernmost lines of TM 28-13-1 following their various courses and distances to a point where the easternmost northern line, extended, intersects with the centerline of Dudley Street; thence southward with the Dudley Street centerline to its point of intersection with the centerline of Beech Street extended eastward; thence with the extension and the centerline of Beech Street to the point of its intersection with the northern line of TM 28-11-22 extended eastward; thence westward with the extension and northern line of TM 28-11-22 extended westward to a point of intersection with the centerline of Regan Street; thence southward with the centerline of Regan Street to its intersection with the centerline of East Friendly Avenue; thence with the centerline of East Friendly Avenue to the point of its intersection with the centerline of the Norfolk and Southern Railroad right-of-way, said point being the point of BEGINNING.

(Signed) Thomas M. Phillips

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Moving to the Consent Agenda, Councilmember Carmany moved adoption of all resolutions and motions listed on the agenda. The motion was seconded by Councilmember Burroughs-White; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None

66-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-24A WITH LYON CONSTRUCTION FOR THE PUBLIC SAFETY TRAINING FACILITY

WHEREAS, Contract No. 2000-24A with Lyon Construction provides for the Public Safety Training Facility improvements;

WHEREAS, the need for this change order results from additional poor existing soil conditions and unforeseen concealed conditions on the site which rendered the soils unsuitable for structural backfill, thereby necessitating a change order in the contract in the amount of \$325,872.97.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Lyon Construction for the Public Safety Training Facility improvements is hereby authorized at a total cost of \$325,872.97, payment of said additional amount to be made from Account No. 436-4030-01.6013 (CBR 001).

(Signed) Sandy Carmany

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67-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-24B WITH LOFLIN PLUMBING & HEATING FOR THE PUBLIC SAFETY TRAINING FACILITY

WHEREAS, Contract No. 2000-24B with Loflin Plumbing & Heating provides for the Public Safety Training Facility improvements;

WHEREAS, the contract calls for an oil separator to be installed during Phase II construction which is now needed during the Phase I construction as well as the installation of several sump pumps, thereby necessitating a change order in the contract in the amount of \$31,489.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Loflin Plumbing & Heating for the Public Safety Training Facility improvements is hereby authorized at a total cost of \$31,489.00, payment of said additional amount to be made from Account No. 436-4030-01.6013 (CBR 001).

(Signed) Sandy Carmany

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68-02 RESOLUTION ADOPTING REVISIONS TO POLICY CONCERNING PERCENTAGE OF PARTICIPATION BY THE CITY OF GREENSBORO AND THE DEVELOPER FOR CONSTRUCTION OF BOX CULVERTS AND BRIDGES IN NEW DEVELOPMENT

WHEREAS, on 31 July 1975 the City Council approved the policy concerning the percentage of participation by the City and the developer for construction of box culverts and bridges in new developments.

WHEREAS, there have been increasing requests by developers and engineers for the City to participated in the three sided "bottomless" concrete culvert, a structure that is accepted and used by NC Department of Transportation for stream crossings.

WHEREAS, there is a need to clarify that the City will only participate in culvert and bridge structures, where conventional reinforced concrete pipe is not feasible.

WHEREAS, there is a need to clarify that the City will require the roadway right-of-way from the culvert or bridge structure to an existing right-of-way be dedicated prior to city participation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCL OF THE CITY OF GREENSBORO:

That the statement of Council policy which is attached hereto and made a part hereof and having been presented herewith this day is hereby in all respects approved; and said policy should become effective on and after 1 April 2002.

(Signed) Sandy Carmany

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69-02 RESOLUTION ACCEPTING CONVEYANCE FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO THE CITY OF GREENSBORO FOR PROPERTY LOCATED AT 1205 BENJAMIN BENSON STREET AND AUTHORIZING SUBSEQUENT DONATION OF SAID PROPERTY TO PROJECT HOMESTEAD

WHEREAS, on March 19, 2002, the Redevelopment Commission approved the conveyance of 1205 Benjamin Benson Street in the Benjamin Benson Redevelopment Area to the City of Greensboro for subsequent donation to Project Homestead;

WHEREAS, it is in the best interest of the City to accept the donation of this property and subsequently convey said property to Project Homestead.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the donation of 1205 Benjamin Benson Street from the Redevelopment Commission of Greensboro to the City of Greensboro in the Benjamin Benson Redevelopment Area is hereby accepted and the City is hereby authorized to convey said property to Project Homestead.

(Signed) Sandy Carmany

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70-02 RESOLUTION AUTHORIZING AND APPROVING AGREEMENT FOR INSTALLATION OF SEWER PUMPING STATION AND FORCE MAIN BETWEEN THE CITY OF GREENSBORO AND BRIARMEADE SUBDIVISION

WHEREAS, the Briarmeade Subdivision was recently annexed into the northeast quadrant of the City and the developer was willing to construct a sewage pump station to serve said subdivision;



WHEREAS, after additional discussions with the developer and research by the Water Resources Department, a more suitable area downstream has been identified for the proposed pumping station and force main which will provide service to this Subdivision as well as providing a much needed means of sewer service for future growth along the NC 29 corridor;

WHEREAS, the developer is willing to participate in the downstream location and has agreed to contribute \$264,437.00, (what it would have cost to build a smaller local station at another location) with the cost to the City will be approximately \$530,500.00;

WHEREAS, it is in the best interest of the City to enter said Agreement which is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City of Greensboro is hereby authorized to enter an Agreement for the installation of a sewer pumping station and force main with Briarmeade Subdivision.

(Signed) Sandy Carmany

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71-02 RESOLUTION APPROVING AND AUTHORIZING MUNICIPAL BRIDGE AGREEMENT FOR THE BALLINGER ROAD BRIDGE #97 OVER HORSEPEN CREEK REPLACEMENT AND REHABILITATION PROJECT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Greensboro proposes to make certain improvements under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said improvements to consist of the replacement of Bridge #97 over Horsepen Creek on Ballinger Road in Greensboro;

WHEREAS, the City of Greensboro proposes to enter into an Agreement with the North Carolina Department of Transportation for said improvements where in the City of Greensboro agrees to prepare the planning report, design the project, make all necessary utility adjustments, acquire the right of way, and further agrees to construct the improvements;

WHEREAS, under the proposed Agreement, the City of Greensboro shall participate in the total allowable project costs to the extent of twenty percent (20%), with the Department of Transportation to reimburse the City for eighty percent (80%) of the total allowable project costs as set out in the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Agreement for the hereinabove referenced improvements is hereby formally approved and the Mayor and City Clerk are hereby empowered to execute said Agreement with the Department of Transportation.

(Signed) Sandy Carmany

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72-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PROPERTIES OF WILEY A. SKYES, JR., IN CONNECTION WITH THE NORWALK STREET IMPROVEMENTS PROJECT

WHEREAS, Wiley A. Sykes, Jr. is the owner of certain properties located on Patterson Street and Rail Street, said properties being as shown on the attached map;

WHEREAS, the entire tract of tax parcel 455-5-7 and a portion of tax parcel 455-5-9 is required by the City in connection with the Norwalk Street Improvements Project;

WHEREAS, negotiations with the owner at the appraised value of \$33,000.00 for tax parcel 455-5-7 and \$3,600.00 for tax parcel 455-5-9 have been unsuccessful and said property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn both properties and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$36,600.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$36,600.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-4531-01.3012.

(Signed) Sandy Carmany

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73-02 RESOLUTION APPROVING UTILITY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE I-2402AC PROJECT

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements with the City of Greensboro under Project I-2402 AC, Guilford County, said plans consisting of improvements to SR 1112 (Wolfetrail Road) from 1104 (Old Randleman Road) to SR 1007 (Randleman Road) in Greensboro;

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an Agreement for the above-captioned project whereby the City agrees (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any city-owned utilities without cost to the Department of Transportation, except that said Department will reimburse the City in accordance with said Department's Municipally-Owned Utility Policy;

WHEREAS, the Department agrees to acquire the right of way and construct the project in accordance with the approved project plans;

WHEREAS, the estimated cost to the City for this project is \$7,440.00;

WHEREAS, the Agreement will further provide for the establishment, maintenance and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Project I-2402 AC, Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of the City are hereby empowered to sign and execute the Agreement with the Department of Transportation at an estimated cost of \$7,440.00, payment to be made from Account No. 503-7061-01.6016.

(Signed) Sandy Carmany

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74-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-50 WITH BAKER CONSTRUCTION COMPANY FOR VARIOUS WATER AND SEWER PROJECTS

WHEREAS, Contract No. 2001-50 with Baker Construction Company provides for various water and sewer projects;

WHEREAS, this contract has a 50% extension clause which will allow additional projects as needed, thereby necessitating a change order in the contract in the amount of \$65,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Baker Construction Company for various water and sewer projects is hereby authorized at a total cost of \$65,000.00, payment of said additional amount to be made in the amount of \$40,000.00 from Account No. 503-7011-01.6016.003 and in the amount of \$25,000.00 from Account No. 503-7011-01.6017.006.

(Signed) Sandy Carmany

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75-02 RESOLUTION APPROVING AMENDMENT TO THE 1997 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE AND FURTHER AUTHORIZING AGREEMENT WITH DIVISION OF ARCHIVES AND HISTORY

WHEREAS, the North Carolina Division of Archives and History of the Department of Cultural Resources is responsible for assisting local governments in records management, including the destruction of obsolete records and the protection of essential records as provided by Chapters 121 and 132 of the General Statutes of North Carolina;

WHEREAS, the municipal records management program provides advice, service and training in the control, maintenance, preservation and disposal of official public records in the custody of local governmental units;

WHEREAS, on September 2, 1997 the City Council approved a new updated Municipal Records Retention and Disposition Schedule and authorized an agreement in accordance herewith;

WHEREAS, several amendments to the 1997 Municipal Records Retention and Disposition Schedule have been approved by the State;

WHEREAS, it has been recommended that municipalities approve the above mentioned amendments and authorize an agreement with respect thereto;

WHEREAS, it is deemed in the best interest of the City of Greensboro to approve said amendment and to authorize said agreement in accordance with the terms thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the amendments to the 1997 Updated Municipal Records Retention and Disposition Schedule authorized and issued by the Division of Archives and History of the Department of Cultural Resources is hereby in all respects approved and adopted for use and as a guide for the City of Greensboro.

2. That, on behalf of the City of Greensboro, the Mayor and City Clerk are hereby authorized to execute the agreement, which is contained in said schedule all in accordance with the terms contained therein.

3. That the destruction of original records that have been duplicated prior to the retention period specified in the amendment schedule is hereby approved in accordance with the provisions contained in Said Municipal Records Retention and Disposition Schedule.

4. That the destruction of an accumulation of an unscheduled or discontinued record series, not otherwise specifically provided for, is hereby authorized, provided the City Manager and the Mayor have determined that these records have no further use or value for official or administrative purposes and, provided further, that such destruction is concurred in by the Division of Archives and History of the Department of Cultural Resources.

5. That this resolution shall be duly recorded and preserved in the minutes of the City Council as a permanent record of such authorization and approvals as contained herein.

(Signed) Sandy Carmany

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76-02 RESOLUTION AMENDING RESOLUTION APPROVING MULTI-FAMILY LOANS FOR 2824 LIBERTY ROAD, 3900 NASH STREET AND 1311 SOUTH EUGENE STREET PASSED BY CITY COUNCIL AUGUST 6, 2001, FOR THE PURPOSE OF RESTATING THE USE OF A PORTION OF FUNDS FROM THE COMMUNITY RESOURCE BOARD TO THE SALVATION ARMY FOR PROPERTY LOCATED AT 1311 SOUTH EUGENE STREET

WHEREAS, on August 6, 2001, Council passed a resolution which approved funding for the Salvation Army to furnish transitional family apartments in the Royce and Jane Reynolds Center of Hope being constructed at 1311 South Eugene Street;

WHEREAS, the Salvation Army's Gifts in Kind committee was able to obtain much of the furniture directly from the manufacturers at factory cost which did not allow for the opportunity for Minority and Women's Business Enterprise (MWBE) participation in a bid format as required by City Policy;

WHEREAS, the project initially went over its development budget and several items were deleted from the plans, one being a perimeter fence, which the Salvation Army has now proposed the funding be used for so that they may comply with the City's MWBE participation policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the final 'Whereas' clause in the Resolution Approving Multi-Family Loans for 2824 Liberty Road, 3900 Nash Street and 1311 South Eugene Street passed by Council on August 6, 2001 be amended to read as follows:

WHEREAS, the Salvation Army will install a perimeter fence in the Royce and Jane Reynolds Center of Hope being constructed at 1311 South Eugene Street.

(Signed) Sandy Carmany

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77-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-32 WITH ACCESS CONTROL CONSULTANTS FOR CITY OWNED PARKING DECKS

WHEREAS, Contract No. 2001-32 with Access Control Consultants provides for construction of closed circuit television systems in the City owned parking decks;

WHEREAS, in order to enhance security at the City parking decks it is recommended that the blue lights be added to the standard talk-a-phones being installed and that two Pelcro Spectra Dome cameras be added to the exterior of the MMOB building, thereby necessitating a change order in the contract in the amount of \$63,147.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Access Control Consultants for the City owned parking deck improvements is hereby authorized at a total cost of \$63,147.00, payment of said additional amount to be made in the amount of \$11,576.25 from Account No. 542-4531-01.6019 CBR 001; in the amount of \$11,576.25 from Account No. 543-4531-01.6019 CBR 009; in the amount of \$11,576.25 from Account No. 543-4532-01.6019 CBR 004; in the amount of \$11,576.25 from Account No. 543-4533-01.6019 CBR 002 and in the amount of \$16,842.00 from Account No. 101-2506-01.6019 CBR 001.

(Signed) Sandy Carmany

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78-02 RESOLUTION AMENDING RESOLUTION APPROVING SPONSORSHIP OF A HOUSE AS PART OF THE 2001 HOUSING BLITZ PROJECT PASSED BY CITY COUNCIL SEPTEMBER 4, 2001 FOR THE PURPOSE OF SPECIFYING THAT THE FUNDS BE USED FOR THE PURPOSE OF PROVIDING ADMINISTRATIVE SUPPORT FOR A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

WHEREAS, on September 4, 2001, Council passed a resolution authorizing the sponsorship in the amount of \$10,000.00 for the construction of a house as part of the 2001 Housing Blitz Project;

WHEREAS, Project Homestead utilizes the funds to cover the administrative costs of conducting the blitz rather than for the construction of a particular house;

WHEREAS, the resolution did not specify that the HOME grant funds would be used for administrative support of Project Homestead's Housing Blitz Project which is an eligible use of HOME funds because of Project Homestead's status as a designated Community Housing Development Organization;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Resolution 184-01 approving sponsorship of a house as part of the 2001 Housing Blitz Project be amended as follows:

1. By deleting the final "Whereas" clause.
2. By deleting (1) in the "Therefore" clause and replacing it with the following:
  1. That the sponsorship will be for the purpose of supporting a Community Housing Development Organization.

(Signed) Sandy Carmany

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Motion to make a part of the minutes report of Budget Adjustments covering period February 1-28, 2002 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of the regular meeting of March 19, 2002 was unanimously adopted.

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Representative Alma S. Adams, residing at 2 Mandela Court, discussed with Council the work, responsibilities and achievements of the Guilford County Legislative Delegation, including their efforts which had benefited the City of Greensboro. She offered her thoughts with respect to the Delegation's attendance and level of participation at a recent meeting of elected officials and the conduct of that meeting. Representative Adams also discussed at length with Council the State budget crisis, the impact of the budget crisis on local municipalities, and the Delegation's role and efforts related to the adoption of the State budget and the current financial situation. She also spoke to challenges that would require cooperation of all of Guilford County's elected officials. Representative Adams invited Council to provide suggestions and recommendations related to the crisis that Council would like to see the Delegation explore.

She provided details about the Delegation's 7:00 p.m. April 30, 2002 *Take it to Raleigh* televised meeting to be held in the Council Chamber and stated the meeting would provide the opportunity for citizens to address the Delegation about issues and concerns.

Some members of Council discussed frustration with respect to the recent meeting of elected officials, expressed concern that the Guilford Delegation had voted for the State budget, offered personal thoughts about the actions taken by the Delegation, and noted the opportunity to hear from the Delegation at the April 30 meeting. After Mayor Holliday explained the purpose of the recent elected officials' meeting, he expressed appreciation to Representative Adams for her comments.

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Councilmember Phillips provided a brief update on progress of Randleman Dam. After brief discussion, it appeared to be the consensus of Council that they would visit the site after their April 23 briefing.

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Councilmember Burroughs-White stated that it was her intent to appoint Doris Vincent to the Commission on the Status of Women at the April 16 City Council meeting.

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Councilmember Johnson provided information with respect to current minority participation in the Hope VI project.

Councilmember Johnson requested the City Manager to contact Ben Holder to provide information with respect to massage parlors and actions that are being taken by the Police Department and the City.

Stating that Joanne Schluginhaufen, ABC board member, had requested another extension to her term on that board, Councilmember Johnson asked that Council be prepared to consider this request at the April 16 Council meeting.

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Councilmember Vaughan moved to appoint Robert D. Douglas, III to fill unexpired portion of term of Paul Mengert on the Parks and Recreation Commission; this term will expire 15 August 2004. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Stating that Richard Beard had resigned from the Greensboro Transit Authority, Councilmember Vaughan moved that he be appointed to the position formerly held by William Watson on the Bryan Park Golf Commission; this term will expire 1 February 2005. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Reviewing the tentative dates for district council meetings, Councilmember Vaughan requested that these meetings be scheduled on Thursdays rather than Tuesdays. The Manager advised that a revised schedule would be provided to Council for approval.

Councilmember Vaughan requested the City Attorney to investigate applicable Code requirements with respect to allowing chickens in the City.

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Councilmember Jessup reiterated his request for street lights on Martin Luther King, Jr. Drive from Florida Street to Benbow Road. He also requested street lights for the Greenfield Homes area.

In response to an inquiry by Councilmember Jessup regarding the deployment of police officers, police visibility in specific areas, etc., the Manager stated he would arrange for Councilmember Jessup to meet with Police Chief White to discuss that department's policies/procedures.

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Councilmember Carmany stated that it was her intent to appoint Irene Stapleton to the Commission on the Status of Women at the April 16 City Council meeting.

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Councilmember Perkins added the name of Tom Hall to the boards and commissions data bank for consideration for future service on the Advisory Commission on Trees.

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The Mayor mentioned that April had been proclaimed Fair Housing Month.

Stating that an appointment was needed for the Greensboro Housing Development Partnership Board, Mayor Holliday advised Councilmember Johnson had agreed to serve in this position. Councilmember Vaughan moved to appoint Councilmember Johnson to the Board. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Stating that no formal resignation had been received, Mayor Holliday stated that he had been advised that Sam Pass intended to resign from the Community Resource Board.

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Council discussed various events and items of interest.

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The City Manager provided highlights of negotiations with the City of Burlington officials to formalize a utilities plan that would provide water and sewer interconnection between the two cities. He emphasized this would provide Greensboro with another source of water for emergency purposes and would provide the opportunity for Greensboro to purchase from 2-5 million gallons of water per day from Burlington; he added that this agreement would allow Burlington to use Greensboro's sewer lines.

Stating these discussions had also provided an opportunity to negotiate an annexation boundary agreement with Burlington, City Manager Kitchen stated these agreements made good business sense, would prevent future disputes as Greensboro grew to the east and Burlington to the west, and represented sound, long-range planning in determining the best way to service the developing I-85 corridor. The Manager emphasized that municipalities that

sell water to Greensboro always maintain control of how much water they will sell. He advised a public hearing would be scheduled for May 7 to provide an opportunity for discussion and to receive public input.

City Manager Kitchen expressed appreciation to Burlington City Manager Buddy Baker, Tom Martin and Allan Williams for their hard work.

(A copy of the map of the proposed Greensboro-Burlington Annexation Line of Agreement is filed in Exhibit Drawer N, Exhibit Number 35, which is hereby referred to and made a part of these minutes.

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Allan Williams, Water Resources Department Director, provided a brief update with respect to Greensboro's current water situation and encouraged continued conservation efforts.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:40 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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